

4
IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 8TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE G.C.BHARUKA

WRIT PETITION NO:12763/1998

BETWEEN:

37
D.Verman, s/o Dhanakoti,
aged about 30 years,
c/o Unni, No.66,
Bazaar Street, Neelasandra,
Bangalore.

(By Sri C.R.Lakshmana Murthy, Adv) ..Petitioner

AND:

1. The Chairman & Managing Director,
Oriental Bank of Commerce,(Nationalised
Bank), Head Office, Harsha Bhavan,
'E'Block,,Cannaught Place,
New Delhi-110 001.
2. The Regional Manager,
Oriental Bank of Commerce,
Regional Office, No.769,
II Floor, Spencers Plaza,
Anna Salai, Channair-640 002.
3. The Chief Manager,
Oriental Bank of Commerce,
Richmond Town Branch,
No.26, HJS. Chambers,
Richmond Road, Bangalore-560 025.

38

- 2 -

4. The Chief Vigilance Officer,
Oriental Bank of Commerce,
Head Office, Harsha Bhavan,
'E' Block, Cannaught Place,
New Delhi-110 001.
5. The Secretary,
Banking Division,
Ministry of Finance,
Central Govt. Secretariat,
New Delhi-110 001.

.. Respondents

. . .

W.P. is filed under Articles 226 & 227 of the Constitution of India with a prayer to direct the respondents to regularise the service of the petr. in the respdt. Bank for having continuously and uninterruptedly worked and etc.,

This petition coming on for prly.hg. this day the court made the following:

..order..

O R D E R

39

Heard Mr. C.R. Lakshmana Murthy learned counsel for the petitioner.

2. The present writ petition has been filed for directions upon the respondents to regularise the services of the petitioner in the respondent bank for having continuously and uninterruptedly worked for a period of four and half years in the respondent bank against the sanctioned post of attender.

3. Though the petitioner claims to be an employee of the 3rd respondent bank as a daily wager, he has not placed any material ^{to show} that he was appointed by the 3rd respondent bank assigning him the duties of attender. In support of his prayer, he has placed reliance on payment vouchers at Annexure 'A', 'B', 'C' and 'D' to show that ~~at~~ certain points of time he was paid a sum of Rs. 100/- to 200/- as labour charges for taking some minor work from him. ^{Except this} ~~Otherwise,~~ ^{even} there is nothing to show that he was under continued employment in the respondent bank as a daily wager. In so far as his prayer of regularising his services as against the sanctioned post is concerned, now it is well settled that desirous people can enter the public service either of government, ^{or} corporation, ^{organisations} semi-government etc., only if applications are invited for the post ^{by open} to be advertised ^{openly.} ^{deduced from} This is one of the basic ^{requirement} ~~requirement~~ which has been ~~incorporated in~~ Article 14 of the Constitution of India.

by

4. In that view of the matter, no relief as claimed can be granted. At this stage, the learned counsel for the petitioner seeks leave of this Court to withdraw the writ petition.

5. Leave is granted. The writ petition is dismissed as withdrawn setting liberty to the petitioner to approach the appropriate forum, if any, available in accordance with law.

Sd/-
JUDGE



jsk/-